

Executive Summary – Enforcement Matter – Case No. 47934
Catholic Charities of the Archdiocese of Galveston-Houston
RN101195659
Docket No. 2013-2065-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Camp Kappe, 7601 Camp Kappe Road, Grimes County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 14, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$780

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$780

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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RN101195659
Docket No. 2013-2065-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 30, 2013

Date(s) of NOE(s): October 30, 2013

Violation Information

1. Failed to provide public notification for the failure to collect routine coliform monitoring samples for the months of July and August 2012 and March 2013 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
2. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample collected for the month of July 2013 [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].
3. Failed to collect a raw groundwater source *Escherichia coli* (“*E.coli*”) sample from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample collected for the month of July 2013 [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].
4. Failed to collect at least five routine distribution coliform samples the month following a total coliform-positive result for the month of August 2013 [30 TEX. ADMIN. CODE § 290.109(c)(2)(F)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including but not limited to: providing public notification for the failure to collect routine samples; and
 - ii. Begin complying with applicable coliform monitoring requirements by collecting all repeat, increased and one raw groundwater source *E. coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility.

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- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.i; and
- c. Within 225 days, submit written certification demonstrating compliance with Ordering Provision a.ii.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2576; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Frank Rynd, General Counsel, Catholic Charities of the Archdiocese of Galveston-Houston, 1700 San Jacinto Street, Houston, Texas 77002
Ben Smaistrle, Director, Catholic Charities of the Archdiocese of Galveston-Houston, 4213 Mangum Road, Houston, Texas 77092
Respondent's Attorney: N/A

DATES	Assigned	4-Nov-2013	Screening	12-Nov-2013	EPA Due	31-Dec-2013
	PCW	7-Nov-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	Catholic Charities of the Archdiocese of Galveston-Houston		
Reg. Ent. Ref. No.	RN101195659		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47934	No. of Violations	4
Docket No.	2013-2065-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Abigail Lindsey
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$600
ADJUSTMENTS (+/-) TO SUBTOTAL 1 <small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History		30.0%	Enhancement
		Subtotals 2, 3, & 7	\$180
Notes	Enhancement for six NOV's with same/similar violations.		
Culpability		0.0%	Enhancement
		Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit		0.0%	Enhancement*
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <small>Total EB Amounts</small> \$250 <small>Approx. Cost of Compliance</small> \$340 </div> <div style="width: 60%;"> <small>*Capped at the Total EB \$ Amount</small> </div> </div>		Subtotal 6	\$0
SUM OF SUBTOTALS 1-7		Final Subtotal	\$780
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0%	Reduction
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		Adjustment	\$0
Notes			
		Final Penalty Amount	\$780
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$780
DEFERRAL		0.0%	Reduction
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		Adjustment	\$0
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY		\$780	

Screening Date 12-Nov-2013

Docket No. 2013-2065-PWS-E

PCW

Respondent Catholic Charities of the Archdiocese of Galveston

Policy Revision 3 (September 2011)

Case ID No. 47934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195659

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 12-Nov-2013

Docket No. 2013-2065-PWS-E

PCW

Respondent Catholic Charities of the Archdiocese of Galveston-Houston

Policy Revision 3 (September 2011)

Case ID No. 47934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195659

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to provide public notification for the failure to collect routine coliform monitoring samples for the months of July and August 2012 and March 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

91 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$195

This violation Final Assessed Penalty (adjusted for limits) \$195

Economic Benefit Worksheet

Respondent Catholic Charities of the Archdiocese of Galveston-Houston
Case ID No. 47934
Reg. Ent. Reference No. RN101195659
Media Public Water Supply
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	30-Sep-2013	1-Jul-2014	0.75	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that public notice is posted and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$10	1-Aug-2012	30-Nov-2012	1.25	\$1	\$10	\$11
Other (as needed)	\$5	1-Apr-2013	30-Jun-2013	1.16	\$0	\$5	\$5

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notice for the failure to collect routine coliform samples (\$5 per notice x 3 missed notices), calculated for the dates the notices were required.

Approx. Cost of Compliance

\$115

TOTAL

\$20

Screening Date 12-Nov-2013

Docket No. 2013-2065-PWS-E

PCW

Respondent Catholic Charities of the Archdiocese of Galveston-Houston

Policy Revision 3 (September 2011)

Case ID No. 47934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195659

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)(3)(A)(ii)

Violation Description

Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine coliform sample collected for the month of July 2013. Specifically, the Respondent did not collect any of the required samples.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to perform repeat coliform monitoring could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$195

This violation Final Assessed Penalty (adjusted for limits) \$195

Economic Benefit Worksheet

Respondent Catholic Charities of the Archdiocese of Galveston-Houston
Case ID No. 47934
Reg. Ent. Reference No. RN101195659
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	30-Jul-2013	31-Jul-2013	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The delayed cost includes the estimated amount to collect four repeat distribution coliform samples (\$25 per sample x 4 missed samples), calculated for the 24-hour period after the coliform-positive result.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 12-Nov-2013

Docket No. 2013-2065-PWS-E

PCW

Respondent Catholic Charities of the Archdiocese of Galveston-Houston

Policy Revision 3 (September 2011)

Case ID No. 47934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195659

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)(4)(B)

Violation Description

Failed to collect a raw groundwater source Escherichia coli sample from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample collected for the month of July 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to perform raw groundwater source monitoring could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$195

This violation Final Assessed Penalty (adjusted for limits) \$195

Economic Benefit Worksheet

Respondent Catholic Charities of the Archdiocese of Galveston-Houston
 Case ID No. 47934
 Reg. Ent. Reference No. RN101195659
 Media Public Water Supply
 Violation No. 3

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$25	30-Jul-2013	31-Jul-2013	0.00	\$0	\$25	\$25

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect raw groundwater source samples from all active sources (\$25 per sample x 1 source), calculated for the 24-hour period after the coliform-positive result.

Approx. Cost of Compliance

\$25

TOTAL

\$25

Screening Date 12-Nov-2013

Docket No. 2013-2065-PWS-E

PCW

Respondent Catholic Charities of the Archdiocese of Galveston-Houston

Policy Revision 3 (September 2011)

Case ID No. 47934

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101195659

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)(2)(F)

Violation Description

Failed to collect at least five routine distribution coliform samples the month following a total coliform-positive result for the month of August 2013. Specifically, the Respondent only collected one out of the five required samples.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to perform increased coliform monitoring could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$150

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$195

This violation Final Assessed Penalty (adjusted for limits) \$195

Economic Benefit Worksheet

Respondent Catholic Charities of the Archdiocese of Galveston-Houston
Case ID No. 47934
Reg. Ent. Reference No. RN101195659
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Aug-2013	31-Aug-2013	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to collect four additional routine coliform samples (\$25 x 4 missed samples) for the month following the coliform-positive result month, calculated for the month increased distribution samples were required.

Approx. Cost of Compliance	\$100	TOTAL	\$105
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Compliance History Report

PENDING Compliance History Report for CN603923665, RN101195659, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN603923665, Catholic Charities of the Archdiocese of Galveston-Houston	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN101195659, CAMP KAPPE	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	7601 CAMP KAPPE ROAD, GRIMES COUNTY, TEXAS		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0930032		
Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year: 2013	Rating Date: 09/01/2013
Date Compliance History Report Prepared:	November 07, 2013		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	November 07, 2008 to November 07, 2013		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Abigail Lindsey	Phone:	(512) 239-2576

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
N/A
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1

Date: 12/06/2012 (1124372) CN603923665
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Description: 30 TAC Chapter 290, SubChapter F 290.122(f)
 JUL/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2012.
- 2

Date: 01/22/2013 (1124372) CN603923665
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: AUG/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 08/2012.
- 3

Date: 07/24/2013 (1124372) CN603923665
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: MAR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2012.
- 4

Date: 09/20/2013 (1124372) CN603923665
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 30 TAC Chapter 290, SubChapter F 290.109(e)
 Description: TCR Repeat MR Violation 07/2013 - Failure to collect and/or submit any repeats following a coliform found result within the required timeline.
- 5

Date: 09/26/2013 (1124372) CN603923665
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
 30 TAC Chapter 290, SubChapter F 290.109(e)
 Description: GWR Triggered Source MR Violation 07/2013 - Failure to collect and/or report any triggered source monitoring sample(s) following a coliform found result for 1 source(s) within the required timeline.
- 6

Date: 10/14/2013 (1124372) CN603923665
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(e)
 Description: TCR Increase MR Violation 08/2013 - Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 11/7/2008 and 11/7/2013

1	Date:	05/28/2010	(801406)	CN603923665	Classification:	Minor
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)				
	Description:	Failure to record the amount of water treated each week.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)				
	Description:	Failure to provide the NSF Standard 60 certification for the bleach used as the system's disinfectant.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)				
	Description:	Failure to notify the TCEQ of significant changes to the system's capacities.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) 30 TAC Chapter 290, SubChapter D 290.46(l)				
	Description:	Failure to flush dead-end water mains in the distribution system monthly and retain a record of this activity.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)				
	Description:	Failure to provide a plant operations manual.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(m)				
	Description:	Failure to provide a complete gate around the system's well.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)				
	Description:	Failure to provide a distribution system map.				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)				
	Description:	Failure to provide the following records at the time of the investigation.				
2*	Date:	12/06/2012	(1124372)	CN603923665	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)				
	Description:	JUL/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 07/2012.				
3*	Date:	01/22/2013	(1124372)	CN603923665	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)				
	Description:	AUG/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time				

period that public notice was required for failing to conduct routine coliform monitoring for the month of 08/2012.

- 4* Date: 07/24/2013 (1124372) CN603923665
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: MAR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 03/2012.
- 5 Date: 09/20/2013 (1124372) CN603923665
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: TCR Repeat MR Violation 07/2013 - Failure to collect and/or submit any repeats following a coliform found result within the required timeline.
- 6 Date: 09/26/2013 (1124372) CN603923665
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: GWR Triggered Source MR Violation 07/2013 - Failure to collect and/or report any triggered source monitoring sample(s) following a coliform found result for 1 source(s) within the required timeline.
- 7 Date: 10/14/2013 (1124372) CN603923665
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: TCR Increase MR Violation 08/2013 - Failure to collect and/or submit within the required timeline all of the 5 distribution samples following a coliform found month.

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period November 07, 2008 and November 07, 2013

- (801406)
Item 1 May 27, 2010** For Informational Purposes Only
- (829636)
Item 2 August 25, 2010** For Informational Purposes Only
- (1124372)
Item 3 October 21, 2013 For Informational Purposes Only
- (1124536)
Item 4 November 01, 2013 For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CATHOLIC CHARITIES OF THE
ARCHDIOCESE OF GALVESTON-
HOUSTON
RN101195659

§
§
§
§
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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-2065-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Catholic Charities of the Archdiocese of Galveston-Houston (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 7601 Camp Kappe Road in Grimes County, Texas (the "Facility") that has approximately five service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on September 30, 2013, TCEQ staff documented that the Respondent did not provide public notification for the failure to collect routine coliform monitoring samples for the months of July and August 2012 and March 2013.
3. During a record review conducted on September 30, 2013, TCEQ staff documented that the Respondent did not collect any of the required repeat distribution coliform samples for the month of July 2013.
4. During a record review conducted on September 30, 2013, TCEQ staff documented that the Respondent did not collect a raw groundwater source *Escherichia coli* sample for the month of July 2013.
5. During a record review conducted on September 30, 2013, TCEQ staff documented that the Respondent only collected one out of the five required samples for the month of August 2013.
6. The Respondent received notice of the violations on November 4, 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide public notification for the failure to collect routine coliform monitoring samples for the months of July and August 2012 and March 2013, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample collected for the month of July 2013, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect a raw groundwater source *Escherichia coli* sample from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample collected for the month of July 2013, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to collect at least five routine distribution coliform samples the month following a total coliform-positive

result for the month of August 2013, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(F).

6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Seven Hundred Eighty Dollars (\$780) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Seven Hundred Eighty Dollar (\$780) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seven Hundred Eighty Dollars (\$780) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Catholic Charities of the Archdiocese of Galveston-Houston, Docket No. 2013-2065-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including but not limited to: providing public notification for the failure to collect routine samples, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - ii. Begin complying with applicable coliform monitoring requirements by

collecting all repeat, increased and one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i; and
- c. Within 225 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Marcic
For the Executive Director

4/14/14
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Catholic Charities of the Archdiocese of Galveston-Houston. I am authorized to agree to the attached Agreed Order on behalf of Catholic Charities of the Archdiocese of Galveston-Houston, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Catholic Charities of the Archdiocese of Galveston-Houston waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Frank Rynel
Signature

February 10, 2014
Date

FRANK RYNEL
Name (Printed or typed)
Authorized Representative of
Catholic Charities of the Archdiocese of Galveston-Houston

General Counsel
Title
Archdiocese of Galveston-Houston

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.